IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2733 OF 2005

Mr. Rajendra Chhotu Yadav ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. N.V. Bhandiwadekar Adv. for Petitioner
Mr. Rane, G.P. for Respondents 1 to 3
Mr. B.V. Phadnis Adv. for Respondent No.4

CORAM: F.I.REBELLO & ROSHAN DALVI, JJ.
DATED: 18TH NOVEMBER, 2005

P.C.

1. Rule. Heard forthwith.

2. The Petitioner was working as a full time Teacher in the Establishments of Respondents 4 & 5. It appears that on account of reduction of students there is decrease in work load and consequently Respondent No.3 pursuant to the directions issued to him held that the Petitioner herein could not teach any other subject except Hindi and as such was entitled to be paid part-time teacher salary.

3. It is now urged on behalf of the Petitioner that when the number of students are decreased then there should be decrease in the workload of all the Teachers and not only in the case of the Petitioner.

4. On the other hand on behalf of Respondents it has been submitted that the other teachers are doing other work of taking other subjects. There is no question of decrease in their work load. This contention was not specifically urged or raised before Respondent No.3. Considering that in order to obviate any injustice we direct Respondent No.3 to hear the Petitioners on his representation only on this specific point and not any other point and thereafter to pass necessary orders. Such representation to be made within 3 weeks from today.

5. Rule made absolute. Petitioner and Respondents 4 & 5 to appear before Respondent No.3 on 6th December 2005 at 11.00 a.m.

6. All parties to act on the authenticated copy of this order.

(F.I.REBELLO J.)

(ROSHAN DALVI, J.)